

JUDGE BARK
U.S. District Court
TXS - Southern District of Texas (Houston)

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5337

CIVIL DOCKET FOR CASE #: 03-CV-2746

Draper Inc v. KOCH Entertainment, et al
Assigned to: Judge Vanessa D Gilmore
Demand: \$0,000
Lead Docket: None
Dkt # in 129th JDC Harris Cnt : is 03-25135
Filed: 07/21/03
Jury demand: Plaintiff
Nature of Suit: 190
Jurisdiction: Diversity

Cause: 28:1441 Notice of Removal-Breach of Contract

DRAPER INC
plaintiff

William David George
713-339-2233 fax
[COR LD NTC]
Edwards & George LLP
5847 San Felipe
Ste 2375
Houston, TX 77057
713-339-3233

v.

KOCH ENTERTAINMENT
DISTRIDUTION LLC
defendant
[term 08/13/03]

Roger L McCleary
[term 08/13/03]
713-960-1527 fax
[COR LD NTC]
Beirne Maynard & Parsons
1300 Post Oak Blvd
Ste 2500
Houston, TX 77056
713-623-0887

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
2004 JUL -8 PM 4:37

JAMES E MCMILLAN PC
defendant

James S Bowie, II
713-659-2812
[COR LD NTC]
Attorney at Law
2323 Caroline
Ste 100
Houston, TX 77004
713-752-0759

JAMES E MCMILLAN
defendant

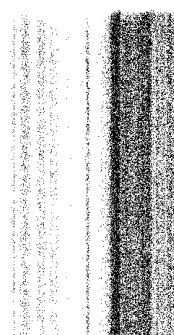
James S Bowie, II
(See above)
[COR LD NTC]

TRUE COPY I CERTIFY
ATTEST:
MICHAEL N. MILBY, CLERK
By Michael N. Milby
Deputy Clerk

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- 7/21/03 1 NOTICE OF REMOVAL by KOCH Entertainment filed FILING
FEE \$ 150.00 RECEIPT # 534054 (bj) [Entry date 07/25/03]
- 7/21/03 2 Order setting Initial Pretrial and Scheduling Conference on
1:30 12/19/03 before Judge Vanessa D. Gilmore and Order to
Disclose Interested Persons, filed. (Signed by Judge
Vanessa D. Gilmore) Parties notified. (bj)
[Entry date 07/25/03]
- 7/25/03 3 MOTION to dismiss for improper venue and failure to state
a claim ,and/or alternative for more definite statement
by KOCH Entertainment, Motion Docket Date 8/14/03 [3-1]
motion, 8/14/03 [3-2] motion , filed. (sf)
[Entry date 07/29/03]
- 7/28/03 4 Certificate of Service in Removed Action by KOCH
Entertainment , filed. (sf) [Entry date 07/29/03]
- 7/30/03 5 IMG Memorandum and ORDER regarding discovery motion, motions
for summary judgment and analogous motions to dismiss ,
entered; Parties notified. (signed by Judge Vanessa D.
Gilmore) (sf)
- 7/31/03 6 CERTIFICATE OF INTERESTED PARTIES by KOCH Entertainment ,
filed. (sf) [Entry date 08/01/03]
- 7/31/03 7 IMG ORDER concerning removal , entered; The removing party
shall, no later than 10 days after the date of this order,
file and serve a signed statement under the case and
caption as set forth. Parties notified. (signed by Judge
Vanessa D. Gilmore) (sf) [Entry date 08/01/03]
- 8/6/03 8 DEFT'S STATEMENT concerning removal by KOCH Entertainment.
(tw) [Entry date 08/07/03]
- 8/11/03 9 UNOPPOSED MOTION for dismissal without prejudice, by
Draper Inc, Motion Docket Date 8/31/03 [9-1] motion ,
filed. (ps) [Entry date 08/12/03]
- 8/13/03 10 IMG ORDER granting Pltfs [9-1] motion for dismissal without
prejudice. All claims by Pltf against Deft Koch
Entertainment Distribution are DISMISSED without prejudice.
Court costs will be paid by the party incurring same. This
order is without prejudice to pltfs claims against the
remaining defts. Parties notified. (signed by Judge
Vanessa D. Gilmore) (ps)
- 9/3/03 11 MOTION to dismiss for lack of personal jurisdiction and
for improper venue, or alternatively to change or
transfer venue, by James E McMillan PC, James E McMillan,
Motion Docket Date 9/23/03 [11-1] motion, 9/23/03 [11-2]
motion , filed. (ps)



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9/16/03 12 RETURN OF SERVICE executed as to James E McMillan 5/30/03
 filed. (ps) [Entry date 09/19/03]

9/19/03 13 MOTION for leave to conduct discovery, additional time
 to respond to Deft's Motion to Dismiss for lack of personal
 jurisdiction and for improper venue, or motion to change or
 transfer venue by Draper Inc, Motion Docket 10/9/03
 [13-1] motion, 10/9/03 [13-2] motion , filed. (sj)
 [Entry date 09/22/03]

9/26/03 14 RESPONSE by James E McMillan PC, James E McMillan in
 opposition to Pltfs [13-1] motion for leave to conduct
 discovery, [13-2] motion additional time to respond to
 Deft's Motion to Dismiss for lack of personal jurisdiction
 and for improper venue, or motion to change or transfer
 venue , filed (ps) [Entry date 09/30/03]

10/1/03 15 IMG ORDER granting Pltff's [13-1] motion for leave to conduct
 discovery granting [13-2] motion additional time to respond
 to Deft's Motion to Dismiss for lack of personal
 jurisdiction and for improper venue, or motion to change or
 transfer venue Motion Docket Date 12/1/03 [11-1] motion to
 dismiss for lack of personal jurisdiction and for improper
 venue, 12/1/03 [11-2] motion to change or transfer venue ,
 entered; Parties notified. (signed by Judge Vanessa D.
 Gilmore) (sf) [Entry date 10/28/03]

12/1/03 16 RESPONSE by Draper Inc to Deft's [11 1] motion to dismiss
 for lack of personal jurisdiction and for improper venue,
 [11-2] motion to change or transfer venue , filed. (sf)
 [Entry date 12/03/03]

12/17/03 17 JOINT DISCOVERY/Case Management Plan by Draper Inc, James E
 McMillan PC, James E McMillan , filed. (sf)
 [Entry date 12/18/03]

12/17/03 18 CERTIFICATE OF INTERESTED PARTIES by Draper Inc , filed.
 (sf) [Entry date 12/18/03]

12/19/03 19 Minute entry: Rule 16 Scheduling Conference held. Apps: S
 Creter f/pltf ; J Bowie f/deft. Scheduling Order entered ;
 terminated deadlines ; Ct Reporter: S Carlisle . (kp)
 [Entry date 12/24/03]

12/23/03 20 IMG SCHEDULING ORDER setting Amending of pleadings 1/15/04 ;
 Joining of parties 1/15/04 ; Pltf expert witness list
 submitted by 3/15/04 ; Deft expert witness list submitted
 by 4/15/04 ; Discovery cutoff 7/15/04 ; Deadline for filing
 all dispositive motions 8/15/04 ; Deadline for filing
 non-dispositive motions 8/15/04 ; Pretrial order to be
 submitted on or before 12/23/04 ; Docket call deadline 1:30
 12/31/04 ; before Judge Vanessa D. Gilmore , entered.
 Parties notified. Trial Term: January 2005; ETT: 3 days,
 Jury trial (Signed by Judge Vanessa D. Gilmore) (kh)

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[Entry date 12/24/03]

2/13/04 21 MOTION for protective order to have all actions deemed to be subject to their motion to dismiss, and for attorney fees by James E McMillan PC, James E McMillan, Motion Docket Date 3/4/04 [21-1] motion, 3/4/04 [21-2] motion , filed. (sf) [Entry date 02/17/04]

3/23/04 22 IMG ORDER granting deft's [21-1] motion for protective order to have all actions deemed to be subject to their motion to dismiss , entered; Parties notified. (signed by Judge Vanessa D. Gilmore) (sf) [Entry date 03/24/04]

4/1/04 23 DESIGNATION OF EXPERT WITNESS LIST by Draper Inc filed. (sf) [Entry date 04/05/04]

4/15/04 24 DESIGNATION OF EXPERT WITNESS LIST by James E McMillan PC, James E McMillan filed. (sf)

6/24/04 25 IMG ORDER denying {as moot} [11-1] motion to dismiss for lack of personal jurisdiction and for improper venue; granting [11-2] motion to change or transfer venue, entered; The Court orders that Draper's claims for tortious interference w/contract & civil conspiracy are transferred to the USDC for the Southern District of New York where McMillian resides & substantially all of the alleged offenses occurred. Parties notified. (signed by Judge Vanessa D. Gilmore) (sj) [Entry date 06/25/04]

6/24/04 -- Case closed (sj) [Entry date 06/25/04]

6/28/04 -- Interdistrict transfer to USDC- for the Southern District of New York {Manhattan}. Entire case file, certified copy of the docket sheet, and certified copy of transfer order mailed to Manhattan, New York by certified mail, RR# 7004 0750 0001 3663 2581 (sj)